IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

MONDAY, THE 19TH FEBRUARY 2007 / 30TH MAGHA 1928

Crl. Rev. Pet.No. 733 of 2007()

CRA.278/2002 of ADDL. DISTRICT & SESSIONS JUDGE (ADHOC III, KOLLAM)
CC.517/1997 of CHIEF JUDICIAL MAGISTRATE COURT, KOLLAM

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REVN. PETITIONER: APPELLANT/ACCUSED

D.DEVARAJAN, AGED 44 YEARS,
MANAGER, M/S. DEVAGIRI TRADING & MARKETTING,
DEVAGIRI, THEKKEVILA, KOLLAM.

BY ADV. SRI.B.S.SIVAJI

RESPONDENTS: RESPONDENTS/COMPLAINANT/STATE

1. P.N.SUBHASH,
PROPRIETOR, M/S. THREE STAR MARKETTING,
JAWAHAR JN., PATTATHANAM, KOLLAM.

2. STATE OF KERALA, REPRESENTED BY
THE PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY ADV. SRI. AMJAD ALI, PUBLIC PROSECUTOR

THIS CRIMINAL REVISION PETITION HAVING COME UP FOR ADMISSION ON 19/02/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.R. UDAYABHANU, J

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CRL. R.P. NO. 733 OF 2007

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Dated this the 19th day of February 2007

O R D E R

The revision petitioner stands convicted for the offence under section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for six months and to pay a fine of Rs. 50,000/- and in default to undergo simple imprisonment for three months. Out of fine amount if realised Rs.40,000/- will be paid to the complainant as compensation.

2. The revision petitioner has sought for modification of sentence and for time to pay the fine amount. In the circumstances, sentence is modified to imprisonment till rising of the court and the latter part of the sentence is retained and confirmed. The petitioner is granted four months time from today onwards to remit the fine amount. He shall appear before the Chief Judicial Magistrate, Kollam on 22.06.2007 to receive sentence.

The Crl. R.P is disposed of accordingly.

K.R. UDAYABHANU, JUDGE.

RV